

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

UNITED STATES OF AMERICA,)	
)	
v.)	
Plaintiff,)	Civ. No. 3:24-cv-712-HTW-ASH
)	
)	
MISSISSIPPI STATE SENATE,)	
)	
Defendant.)	
)	

**PLAINTIFF UNITED STATES’ RESPONSE TO DEFENDANT MISSISSIPPI STATE
SENATE’S MOTION TO STAY THE ENTIRETY OF THE PROCEEDINGS**

Plaintiff United States of America, by and through the undersigned attorneys, hereby responds to Defendant Mississippi State Senate’s Motion to Stay the Entirety of the Proceedings (ECF No. 14). As a matter of compromise, the United States does not oppose Defendant’s request for a stay, but requests that the duration of the stay be limited to forty-five (45) days from its entry by the Court. In support of this request, Plaintiff states:

1. As a point of clarity, the United States Attorney General has not directed the Civil Rights Division to freeze all activity in this case, either through the January 22, 2025 internal memorandum from the Attorney General’s Chief of Staff (ECF No. 14-1) or otherwise.
2. Defendant’s January 27, 2025 stay motion asks that proceedings in this case be stayed “until President Trump’s Attorney General and/or Assistant Attorney General for Civil Rights can review this case.” (ECF No. 14 at 1). Defendant also represents that “[o]nce the nominations are confirmed, the DOJ controls the timeline” of the stay. (ECF No. 15 at 7).

3. Pamela Bondi was sworn in as United States Attorney General on February 5, 2025.
Since January 20, 2025, other political appointees have also begun their tenure in the Office of the Assistant Attorney General for the Civil Rights Division and elsewhere in the Department of Justice (“Department”).
4. In the spirit of compromise and as a matter of professional courtesy, the United States does not oppose a short stay ending on a date certain.
5. The United States represents that a stay of forty-five (45) days from the date of entry is adequate to permit additional review by any necessary parties within the Department who should request to do so. If the United States requires additional time, the Department will request it.
6. Defendant is seeking a stay of indeterminate length based on the arrival of particular appointees identified by Defendant—regardless of the presence within the Department of other political appointees of President Trump. This does not provide good cause for an indefinite stay of this case.
7. The Department, not Defendant, is the appropriate party to determine whether the Department’s internal processes warrant requesting a stay. Courts have recognized that neither a defendant nor the court may exercise authority over internal processes within the Department of Justice. *See United States v. Wilson*, 518 F. Supp. 3d 678, 682 (W.D.N.Y. 2021) (denying a criminal defendant’s request for court involvement in the Department’s internal process for deciding what criminal charges to bring); *United States v. Slone*, 969 F. Supp. 2d 830, 833–34 (E.D. Ky. 2013) (stating while this Court “has inherent power to manage its docket . . . it may not direct the Executive Branch how to exercise its traditional prosecutorial discretion”).

8. Therefore, the United States does not oppose a stay that ends forty-five (45) days from the date it is entered by the Court, unless the United States should request to extend the stay for good cause shown.
9. Due to the straightforward nature of this response, the United States asks that the Court waive the requirement of a separate memorandum under Rule 7(b)(4) of the Local Uniform Civil Rules.

Date: February 18, 2025

Respectfully submitted,

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